



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
December 2, 2008, at 6:00 P.M.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

1. Call to order – Explanation of functions of the Board.
2. Consideration, discussion and possible action of Absence Requests from meetings.
 - John Richards - December 2, 2008 Meeting
3. Discussion of requested Administrative Adjustments.
 - Lots 3-1 through 3-13, Block 3, Crescent Point Subdivision Phase 4. Case # 08-00500294 (JP) Approved
 - 1600 George Bush East. Case # 08-0050090 (BC) Approved
 - 3030 University Drive. Case # 08-00500143 (BC) Approved
 - 1815 Brothers Boulevard. Case #08-00500289 (CH) Approved
4. Consideration, discussion and possible action to approve meeting Minutes.
5. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding the front setback requirement for 3907 Santour Court, Lot 17, Block 14 Edelweiss Gartens Phase 7. Case #08-00500239 (MR)
6. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding the rear setback requirement for 400 Fairview Avenue, Lot 1, Block 5 College Park. Case #08-00500290 (MR)
7. Public hearing, presentation, possible action, and discussion on variance requests to the Unified Development Ordinance, Section 5.6.B.6 Off-Street Parking Standards regarding the parking setback requirement and Section 5.7 Design District Dimensional Standards regarding the minimum Floor to Area Ratio requirement for 201 Tauber Street, Lots 1 and 3, Block 5 of the Tauber Subdivision. Case #08-00500293 (JP)

8. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
9. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, December 02, 2008 at 6:00 p.m. at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda**

Posted this the day of , 2008 at p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Connie Hooks, City Secretary

I, the undersigned, do hereby certify that the above Notice of Regular Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2008.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2008.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.



CITY OF COLLEGE STATION
Planning & Development Services

**Absence Request Form
For Elected and Appointed Officers**

Name John Richards

Request Submitted on Date: 11/11/08

I will not be in attendance at the meeting of 12/2/08
for the reason(s) specified: (Date)

Have CPAC mtg

John Richards
Signature

This request shall be submitted to Deborah Grace one week prior to meeting date. Fax 764-3496. City of College Station, 1101 Texas Avenue, College Station, Texas 77840 Attn: Deborah Grace



CITY OF COLLEGE STATION
Planning & Development Services

1101 Texas Avenue, P.O. Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

November 10, 2008

Joe Grasso, PE
7401B Highway 71 West, Suite 160
Austin, TX 78735

RE: Property located at 1815 Brothers Blvd.

Dear Mr. Grasso:

This letter is to inform you that the above referenced property has received an administrative adjustment of 2' for the depth of a parking stall, therefore allowing 18' parking stalls.

According to the Unified Development Ordinance Section 3.15, the Administrator has the authority to authorize adjustment of up to 10 percent from any numerical zoning standard set forth in Articles 5, 6, or 7 of the Unified Development Ordinance. To approve the application for an administrative adjustment, the Administrator shall make an affirmative finding that specific criteria, as outlined in Section 3.15.E of the Unified Development Ordinance, have been met.

The Administrator has found that:

- Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards because the adjustment is negligible and will not significantly alter the intensity of the land use;
Granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development____; and
- Granting the adjustment will be generally consistent with the purposes and intent of this UDO.

If you have any questions, please feel free to call me at 979.764.3570.

Sincerely,

Bob Cowell, AICP
Director of Planning & Development Services

CC: Gerald Taylor, Wal-Mart Stores, Inc. via fax #479.204.4107
File # 08-00500289



CITY OF COLLEGE STATION
Planning & Development Services

1101 Texas Avenue, P.O. Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

October 31, 2008

Crescent Pointe Holdings, Inc.
4500 Carter Creek Parkway, Suite 101
Bryan, Texas 77802

RE: Lots 3-1 through 3-13, Block 3, Crescent Pointe Subdivision Phase 4.

To Whom It May Concern:

This letter is to inform you that the above referenced property has received an administrative adjustment for the required lot depth of A-P Administrative Professional lots. The required lot depth is 100 feet. The lot depths approved vary from 93.81 feet to 98.42 feet.

According to the Unified Development Ordinance Section 3.15, the Administrator has the authority to authorize adjustment of up to 10 percent from any numerical zoning standard set forth in Articles 5, 6, or 7 of the Unified Development Ordinance. To approve the application for an administrative adjustment, the Administrator shall make an affirmative finding that specific criteria, as outlined in Section 3.15.E of the Unified Development Ordinance, have been met.

The Administrator has found that:

Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards because the lots are located adjacent to a drainage facility and the reduction is minimal;

Granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because the adjacent land use is a drainage facility; and

Granting the adjustment will be generally consistent with the purposes and intent of this UDO because the deviation is minimal and the lots are not located adjacent to other structures.

If you have any questions, please feel free to call me at 979.764.3570.

Sincerely,

Jennifer Prochazka, AICP
Senior Planner

CC:

File # 08-00500294



CITY OF COLLEGE STATION
Planning & Development Services

1101 Texas Avenue, P.O. Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

April 25, 2008

Diane Lorden, P.E.
Jones & Carter, Inc.
700 University Drive E, Suite 110-C
College Station, Texas 77840

RE: Property located at 1600 George Bush East (Lot 10, Block B Culpepper Plaza)

Dear Ms. Lorden:

This letter is to inform you that the above referenced property has received an administrative adjustment of two (2) parking spaces from the number of spaces required by the Unified Development Ordinance, Article 7, Section 2, Off-Street Parking Standards (a 3% adjustment).

According to the Unified Development Ordinance Section 3.15, the Administrator has the authority to authorize adjustment of up to 10 percent from any numerical zoning standard set forth in Articles 5, 6, or 7 of the Unified Development Ordinance. To approve the application for an administrative adjustment, the Administrator shall make an affirmative finding that specific criteria, as outlined in Section 3.15.E of the Unified Development Ordinance, have been met.

The Administrator has found that:

Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards because the amount of the adjustment is negligible and will not significantly alter the intensity of the land use;

Granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because the land use is confined to one lot; and

Granting the adjustment will be generally consistent with the purposes and intent of this UDO owing to the fact that the reduction of two parking spaces is negligible.

If you have any questions, please feel free to call me at 979.764.3570.

Sincerely,

Bob Cowell, AICP
Director, Planning and Development Services

CC: College Station Hospitality Corporation, via pnpatel@msn.com
File # 08-00500090



CITY OF COLLEGE STATION
Planning & Development Services

1101 Texas Avenue, P.O. Box 9960
College Station, Texas 77842
Phone 979.764.3570 / Fax 979.764.3496

November 20, 2008

Tim Ware
2417 E. Briargate
Bryan, Texas 77802

RE: Property located at 3030 University Drive East; Lot 1, Block 1 Ware Addition

Dear Mr. Ware:

This letter is to inform you that the above referenced property has received an administrative adjustment of two (2) parking spaces from the number of spaces required by the Unified Development Ordinance, Article 7, Section 2, Off-Street Parking Standards (a 4% adjustment).

According to the Unified Development Ordinance Section 3.15, the Administrator has the authority to authorize adjustment of up to 10 percent from any numerical zoning standard set forth in Articles 5, 6, or 7 of the Unified Development Ordinance. To approve the application for an administrative adjustment, the Administrator shall make an affirmative finding that specific criteria, as outlined in Section 3.15.E of the Unified Development Ordinance, have been met.

The Administrator has found that:

Granting the adjustment will ensure the same general level of land use compatibility as the otherwise applicable standards because the amount of the adjustment is negligible and will not significantly alter the intensity of the land use;

Granting the adjustment will not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because the land use is confined to one lot; and

Granting the adjustment will be generally consistent with the purposes and intent of this UDO owing to the fact that the reduction of two parking spaces is negligible.

If you have any questions, please feel free to call me at 979.764.3570.

Sincerely,

Bob Cowell, AICP
Director, Planning and Development Services

CC: File # 08-00500143



**VARIANCE REQUEST
FOR
3907 SANTOUR COURT**

REQUEST: Front Setback Variance

LOCATION: 3907 Santour Court

APPLICANT: Emanuel H. Glockzin, Jr.

PROPERTY OWNER: Santour Court, Ltd.

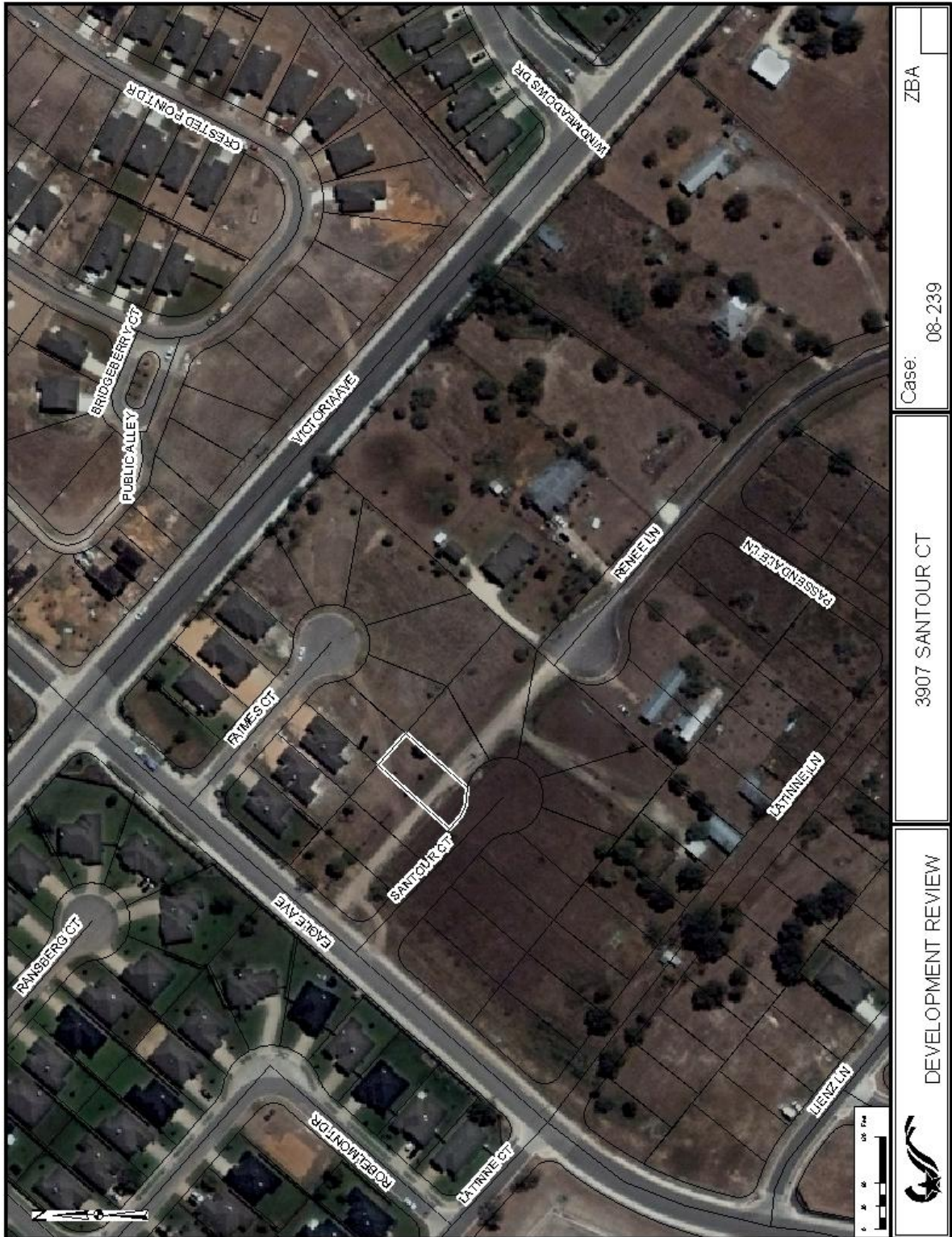
PROJECT MANAGER: Matt Robinson, Staff Planner
mrobinson@cstx.gov

RECOMMENDATION: Staff recommends denial.

BACKGROUND: The subject property is part of the Edelweiss Gartens Subdivision, Phase 7 that was platted in April of 2007. This subdivision is zoned and platted for single-family residences. There is currently a 2-story home occupying the lot, with a portion of the garage encroaching into the 25 foot front building setback. **The applicant would like to reduce the front setback on the southeast corner of the lot by approximately 4.5 feet deep by 7.8 feet wide; thus he is requesting a front setback variance of 4.5 feet to the required front setback of 25' feet.**

APPLICABLE ORDINANCE SECTION: UDO Section 5.2, Residential Dimensional Standards

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of property values.



| | | | |
|-----|--------------|-----------------|--------------------|
| ZBA | Case: 08-239 | 3907 SANTOUR CT | DEVELOPMENT REVIEW |
|-----|--------------|-----------------|--------------------|



NOTIFICATIONS

Advertised Board Hearing Date: December 2, 2008

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

Edelweiss Gartens HOA

Property owner notices mailed: 12
Contacts in support: none at time of staff report
Contacts in opposition: none at time of staff report
Inquiry contacts: 3

ZONING AND LAND USES

| Direction | Zoning | Land Use |
|-------------------------|---|--|
| Subject Property | R-1, Single-Family Residential | Currently developed as a single-family home |
| North | R-1, Single-Family Residential | Currently developed as a single-family home |
| South | R-1 Single-Family Residential / Santour Court | Currently developed as a single-family home / Santour Court a Local Street |
| East | R-1, Single-Family Residential | Currently developed as a single-family home |
| West | R-1, Single-Family Residential | Currently developed as a single-family home |

PHYSICAL CHARACTERISTICS

1. **Frontage:** The property has approximately 61 feet of frontage along Santour Court.
2. **Access:** The property has access to Santour Court.
3. **Topography and vegetation:** The property has some vegetation and is relatively flat.
4. **Floodplain:** The subject tract does not lie in a FEMA-identified floodway or floodplain.

REVIEW CRITERIA

1. **Special conditions:** The applicant states that due to the shape of the lot and unusual configuration of the cul-de-sac, the garage is slightly in the 25' building setback.
2. **Hardships:** The applicant states that due to the unusual configuration of the lot and cul-de-sac, it was difficult to measure the setback area.

ALTERNATIVES

The applicant has not offered any alternatives.

STAFF RECOMMENDATION

Staff recommends denial of the variance request. It is staff's opinion that the applicant's stated special condition or hardship is not unique to this property. There are similar lots within the Edelweiss Gartens Subdivision that have been built to the same standards, including a lot with almost identical dimensions on the Faines Court cul-de-sac to the East.

SUPPORTING MATERIALS

1. Application
2. Survey



| | |
|---------------------|----------------|
| FOR OFFICE USE ONLY | |
| CASE NO.: | <u>08-239</u> |
| DATE SUBMITTED: | <u>9.22.08</u> |

2:11
08/24

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ \$150 Filing Fee
- ☒ Application completed in full.
- ☒ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: N/A

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name Emanuel H. Glockzin, Jr.
Street Address P. O. Box 3144 City Bryan
State TX Zip Code 77805 E-Mail Address emanuel@edgproperties.net
Phone Number (979) 846-8878 Fax Number (979) 846-0783

PROPERTY OWNER'S INFORMATION:

Name Santour Court, Ltd.
Street Address 4500 Carter Creek Parkway, Ste. 101 City Bryan
State TX Zip Code 77802 E-Mail Address _____
Phone Number (979) 846-8878 Fax Number (979) 846-0783

LOCATION OF PROPERTY:

Address 3907 Santour Court, College Station, Texas
Lot 17 Block 14 Subdivision Edelweiss Gardens Phase Seven
Description if there is no Lot, Block and Subdivision N/A

Action Requested: (Circle One) Setback Variance Appeal of Zoning Official's Interpretation
Parking Variance Special Exception
Sign Variance Drainage Variance
Other: _____

Current Zoning of Subject Property: Single Family

Applicable Ordinance Section: _____

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

Waiver set-back requirement (see attached)

Corner of garage 4.5' (front to back) and 7.8 ft width as shown on survey

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

see attached plat

Due to the shape of the lot and the unusual configuration of the cul-de-sac, the garage is slightly in the 25' easement on one corner, majority of house conforms.

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

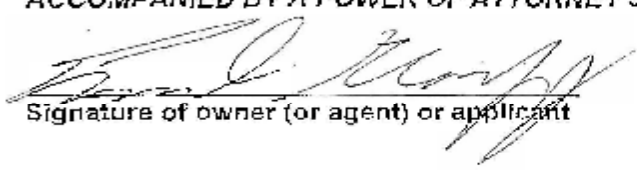
Due to the unusual configuration of the lot and cul-de-sac it was difficult to measure the setback area. All other houses conform to the building setback.

The following alternatives to the requested variance are possible:

This variance will not be contrary to the public interest by virtue of the following facts:

Granting the variance will not result in any hazard to the public.

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.


Signature of owner (or agent) or applicant

9/22/08
Date

16



**VARIANCE REQUEST
FOR
THE WESLEY FOUNDATION (08-00500293)**

REQUEST: Minimum Floor to Area Ratio (FAR) Variance and Parking Setback Variance

LOCATION: 201 Tauber Street, on the south side of Church Avenue, between Tauber Street and Stasney Street in Northgate

APPLICANT: John Rusk, P.E., Goodwin Lasiter

PROPERTY OWNER: The Wesley Foundation

PROJECT MANAGER: Jennifer Prochazka, AICP, Senior Planner
jprochazka@cstx.gov

RECOMMENDATION: Staff recommends approval of the variance request made by Wesley Foundation for property located at 201 Tauber Street with the condition that the variances are granted solely for the purpose of allowing the subject property to recapture 15 parking spaces which were lost because of the Church Avenue rehabilitation project. These variances are fact specific and are granted based upon the conditions as they exist at the time of this request. Any future site improvements or alterations, or any building addition or expansion will require this site to come into full compliance with all applicable sections of the Unified Development Ordinance (UDO).

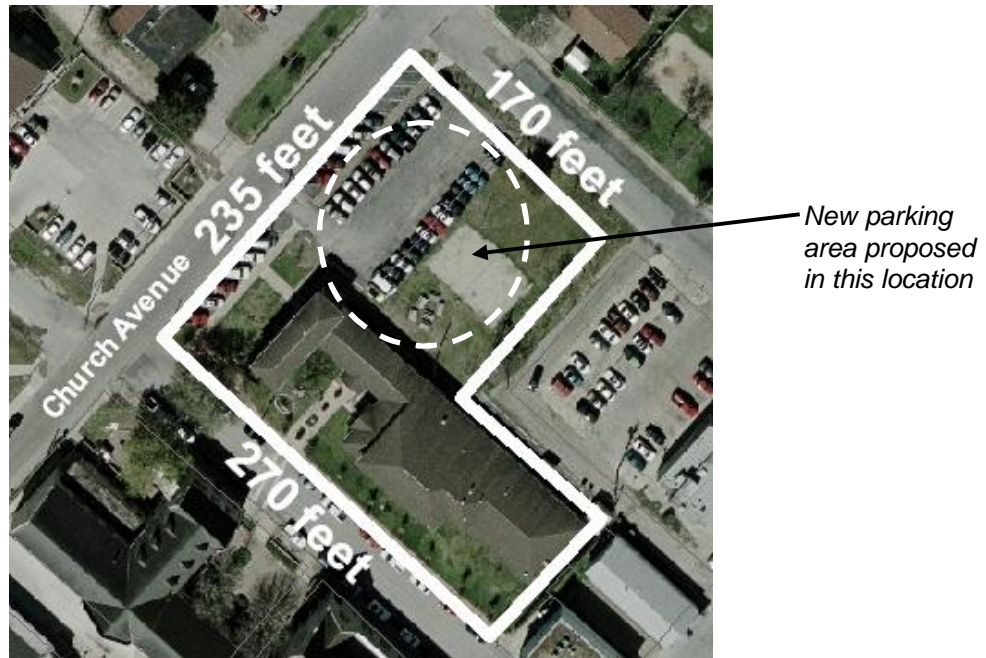
BACKGROUND: The subject property is developed as the Wesley Foundation building in Northgate. This area is zoned NG-1 Core Northgate and is designated for Redevelopment by the Comprehensive Plan. There is currently a 1-story structure occupying a portion of the lot.

The second phase of the Church Avenue street project is currently under construction in Northgate. The purpose of this capital improvement project is to improve pedestrian and vehicular transportation in Northgate, as well as to accommodate the relocation of utilities. As part of the project, the City acquired several easements on properties fronting on Church

Avenue, including the subject property. The City acquired a "Public Access, Public Utility and Landscape Easement" and several construction easements from the Wesley Foundation. Additionally, the City has removed any head-in parking spaces taking access from Church Avenue. The head-in parking spaces required backing maneuvers onto Church Avenue and were removed in order to increase the safety and efficiency of the collector roadway. A portion of each of the 15 parking spaces lost was located on the subject property, with their only access being from Church Avenue.

As a part of the agreement entered into by the City and the property owner, an appraisal was prepared, which includes the following statement: "The remainder of the property will be damaged after the acquisition in that 15 parking spaces located adjacent to the street will be removed. As such, the property owner will need to relocate the spaces to recapture all of the utility of the site. The value entered into the Market Value Tabulation reflects information obtained from construction estimates provided the appraiser." The property owners have stated that based on this statement, it was their understanding that the City would allow the parking spaces to be reconstructed elsewhere on site. However, when the applicant brought forward a conceptual plan to the City, it was determined that the proposed relocation of the parking spaces did not meet City ordinances. Although the property owners state that an agreement was made to allow this, City staff is not authorized to allow variations of this magnitude to the Unified Development Ordinance. **Therefore, the applicant has requested that both the required 200-foot parking setback for properties on Church Avenue and the required minimum Floor to Area Ratio not apply in this instance.**

APPLICABLE ORDINANCE SECTIONS: UDO **Section 5.6.B.6.a**, Off-Street Parking Standards reads as follows: "Lots with frontage on Church Avenue or University Drive shall not have surface parking that is closer than 200 feet to the right(s)-of-way or is not completely located behind a habitable structure." Based on the approximate site dimensions shown below, a surface parking lot located on the northeast portion of the site could not physically meet the 200-foot parking setback, requiring that the parking lot would need to be located behind a structure.



UDO **Section 5.7**, Design District Dimensional Standards requires a minimum Floor to Area Ratio (FAR) of 1:1. FAR is a land use intensity measure analogous to density. It is the sum of the total areas of all floors of a building compared to the total area of the site. The minimum 1:1 ratio means that the area of the structures on site must be equal to or greater than the area of the lot. To meet the FAR requirement, additional habitable square footage would need to be added on site.

ORDINANCE INTENT: The Northgate District regulations incorporate concepts that are pedestrian-oriented and are intended to result in increased density in the area. Northgate is intended to be a unique, pedestrian-friendly, dense urban environment. Ordinances in NG-1 were designed to aid structural rehabilitation and redevelopment, while promoting new high-density, mixed-use, pedestrian-oriented infill development with an urban character. Section 5.6.B.6 is intended to limit the construction of parking lots adjacent to primary streets in Northgate, allowing structures to be placed closer to the street. The FAR requirement is intended to create a denser environment.



ZBA

Case: 08-293

WESLEY FOUNDATION

DEVELOPMENT REVIEW



NOTIFICATIONS

Advertised Board Hearing Date: December 2, 2008

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

N/A

Property owner notices mailed: 13
Contacts in support: None at time of staff report
Contacts in opposition: None at time of staff report
Inquiry contacts: None at time of staff report

ZONING AND LAND USES

| Direction | Zoning | Land Use |
|-------------------------|---------------------|--|
| Subject Property | NG-1 Core Northgate | The Wesley Foundation building and parking lot |
| North | NG-1 Core Northgate | Church Avenue, a minor collector roadway |
| South | NG-1 Core Northgate | Bank, retail shops and associated parking |
| East | NG-1 Core Northgate | Tauber Street, a local roadway |
| West | NG-1 Core Northgate | Stasney Street, a local roadway |

PHYSICAL CHARACTERISTICS

1. **Frontage:** Approximately 235 feet along Church Avenue, 290 feet along Tauber Street, and 170 feet along Stasney Street
2. **Access:** Vehicular access is from Church Avenue
3. **Topography and vegetation:** The property has limited vegetation and is relatively flat
4. **Floodplain:** N/A

REVIEW CRITERIA

1. **Special conditions:** The applicant states the following as a special condition: "When land was obtained by the City from the Wesley Foundation for the rehabilitation of Church Avenue, approximately 15 parking spaces were lost in the transaction. With this transfer of property, it was understood that the Wesley Foundation would be able to regain those spots."
2. **Hardships:** The applicant stated the following as a hardship: "When the transfer of property occurred there was an agreement that the Wesley Foundation would be able to

move any lost spaces onto their property. The loss of available parking for the church is the major concern.”

ALTERNATIVES

The applicant did not offer any alternatives to the requested variance.

STAFF RECOMMENDATION

Staff recommends approval of the variance requests with the condition that the variances are granted solely for the purposes of allowing the Wesley Foundation to recapture 15 parking spaces lost because of the Church Avenue rehabilitation project, and that the variances are fact specific and are subject to the conditions at the time of this request. Further, any future site improvements or alterations, or any building addition or expansion will require this site to come into full compliance with all applicable sections of the Unified Development Ordinance (UDO).

The intent is that as properties in the area redevelop, the area will become the dense urban area anticipated by the Northgate Revitalization Plan.

SUPPORTING MATERIALS

1. Application
2. Letter from Applicant
3. Original Offer Letter
4. Parking Location Map
5. Existing Site Conditions
6. Conceptual Site Plan
7. Property Survey



| | |
|---------------------|-----------------|
| FOR OFFICE USE ONLY | |
| CASE NO.: | <u>08.293</u> |
| DATE SUBMITTED: | <u>10.27.08</u> |

945

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ \$150 Filing Fee
- ☒ Application completed in full.
- ☒ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: _____

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name Goodwin LAMIER - Sabine Bank, P.E.
 Street Address 3605 STATE HWY 6 SOUTH SUITE 102 City COLLEGE STATION, TX
 State TX Zip Code 77845 E-Mail Address cltex@goodwinlamer.com
 Phone Number 979-696-6161 Fax Number 979-696-7485

PROPERTY OWNER'S INFORMATION:

Name THE WESLEY FOUNDATION
 Street Address 201 TAUBER RD City COLLEGE STATION
 State TX Zip Code 77845 E-Mail Address maxproctor@gmail.com
 Phone Number 979-846-4101 Fax Number _____

LOCATION OF PROPERTY:

Address 201 TAUBER ROAD
 Lot _____ Block _____ Subdivision _____
 Description if there is no Lot, Block and Subdivision 1.219 ACRES OF THE TAUBER ADDITION

Action Requested: (Circle One) Setback Variance Appeal of Zoning Official's Interpretation
 (Parking Variance) Special Exception
 Sign Variance Drainage Variance
 Other: _____

Current Zoning of Subject Property: NG-1 CORE NEIGHBORHOOD

Applicable Ordinance Section: 5.6 DESIGN DISTRICTS (e.g., Parks, Urban Towns & Village)
5.7 Design District Dimensional Standards - Maximum Floor to Area Ratio

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

THE CONSTRUCTION OF A PARKING LOT IN THE AG-1 (USE) NORTHGATE DISTRICT THAT IS
CLOSER THAN 200 FT TO THE CHURCH AVENUE RIGHT-OF-WAY. A VARIANCE FROM THE
MINIMUM FLOOR TO AREA RATIO IS ALSO BEING REQUESTED.

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

WHEN LAND WAS OBTAINED BY THE CITY FROM THE LESLEY FOUNDATION FOR THE REHABILITATION OF
CHURCH AVENUE APPROXIMATELY 15 PARKING SPACES WERE LEFT IN THE TRANSACTION. WITH THIS TRANSFER
OF PROPERTY IT WAS UNDERSTOOD THAT THE LESLEY FOUNDATION WOULD BE ABLE TO RECLAIM THOSE SPACES.

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

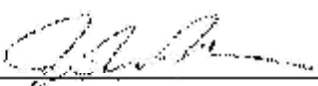
WHEN THE TRANSFER OF PROPERTY OCCURRED THERE WAS AN AGREEMENT THAT THE LESLEY FOUNDATION
WOULD BE ABLE TO RECLAIM ANY LEFT SPACES INTO THEIR PROPERTY. THE LOSS OF AVAILABLE
PARKING FOR THE CENTER IS THE MAJOR CONCERN.

The following alternatives to the requested variance are possible:

This variance will not be contrary to the public interest by virtue of the following facts:

THE CONSTRUCTION OF THE PARKING LOT WILL ONLY IMPROVE THE CURB-CUT APPEARANCE OF THE NORTHGATE
DISTRICT. THE REHABILITATION OF THE EXISTING PARKING LOT ALONG WITH THE EXPANSION OF
THE PARKING LOT SHOULD NOT BE DETRIMENTAL TO THE FUTURE GROWTH OF THE AREA.

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.



Signature of owner (or agent) or applicant

10-24-08

Date



GOODWIN - LASITER, INC.
ENGINEERS - ARCHITECTS - SURVEYORS

EAST TEXAS OFFICE
836-537-4900
FAX 836-537-5300

CENTRAL TEXAS OFFICE
979-898-8767
FAX 979-396-7685

To: City of College Station Planning and Development
1101 Texas Avenue
College Station, TX 77845

October 24, 2008

Attn: Zoning Board of Adjustment

Re: **Variance request for Northgate parking for
Wesley Foundation, 201 Tauber Street**

The Wesley Foundation is requesting a variance in order to reconstruct parking facilities on their property. The parking spaces were recently lost due to the City of College Station's Church Street Rehabilitation Project. The proposed project includes reconstructing the existing (remaining) parking lot as well expanding to make up for the loss of 15 spaces due to the City's project.

Please note that the City acquired the land that the parking spaces were located on for the Church Street Project. Likewise, an agreement was made for the transfer of property to the City that would allow the Wesley Foundation to be able to regain the lost parking spaces. This document is included as Exhibit 1.

A Pre-Application Conference (PAC) meeting was held on October 8, 2008 to discuss the future action needed to move forward with the project rebuilding the lost parking spaces. City staff indicated the only course of action available was a variance from the UDO. An overview of the project scope is shown as Exhibit 3.

Attached is the Zoning Board of Adjustment Application, and the General Variance Request, along with the following supplemental information for review and consideration.

Exhibit 1: Real Estate Appraisal Report
Exhibit 2: Offer to Purchase Real Estate
Exhibit 3: Aerial View and Description of Site
Exhibit 4: Existing Conditions- Topographic Survey
Exhibit 5: Site Plan for Proposed Parking Lot
Exhibit 6: Boundary Survey for Project Site

If you have any questions, please contact our office at 979-696-6767

Thank you,

John Rusk, P.E.

EXHIBIT 1

CITY OF COLLEGE STATION



P.O. BOX 9960
COLLEGE STATION, TEXAS 77842
MARK MCALLIFFE, LAND AGENT
(979) 764-6272 CELL (979) 229-3405
mmcauliffe@csstx.gov



REAL ESTATE APPRAISAL REPORT

Date: Tuesday, March 20, 2007

Property Owner: The Board of Trustees of the Texas Conference of the United Methodist Church

Property Location: Southeast side of Church Avenue, between Tauber Street and Stasney Street
College Station, Brazos County, Texas

Capital Improvement Project: Church Avenue Phase II

Effective Date of Value: Monday, February 27, 2007

Client: City of College Station, Texas - Public Works Department

Intended Users: City of College Station and Property Owner

Intended Use: The report is to be used to make decisions regarding the purchase of the "Part to be Acquired" by the City of College Station in conjunction with the referenced Capital Improvement Project.

Capital Improvement Project Description: The Church Avenue Phase II extends from College Main Street to Nagle Street. The project will improve mobility, enhance drainage and beautify Northgate.

Neighborhood / Market Description: The subject property is located in "Northgate", which is in the northern section of College Station. The neighborhood is bound to the north by the Bryan City limits; to the east by Old College Road; to the south by University Drive (FM 60) and the Texas A&M Main Campus; and to the west by Wolfbom Road (FM 2154). Surrounding land use is high density multifamily development, restaurants, small retail shops, older single family homes, and numerous churches. Schools, shopping, parks, medical facilities and employment are in close proximity to the neighborhood. The neighborhood is currently undergoing redevelopment from older single- and multi-family structures to high density multi-family and retail developments. Property values have increased over the past several years, and the trend is expected to continue into the foreseeable future.

Subject Property Description (Whole Property)

- Property Type: Student Center and Parking Lot
- Street Address: 201 Tauber Street, College Station, Texas 77840
- Tax ID: R44963
- Current Use of the Real Estate: Wesley Foundation - United Methodist Student Center and parking lot.
- Use of the Real Estate Reflected in this Report: This report assumes that the site is vacant land.
- Highest & Best Use: Commercial retail / high density residential above.
- Street Type: Two-lane asphalt paved street with concrete curb and gutter drainage.
- Utilities: All public services available.

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cc.

- Zoning: NG-1 - Core Northgate
- Flood Zone: None
- Topography: Level. Above street grade.

Subject Property Description (Part to be Acquired)

| | |
|--|----------------------|
| • Temporary Construction Easement | 214 SF |
| • Public Access, Public Utility and Landscape Easement | 113 SF (corner Clip) |
| • Temporary Construction Easement | 260 SF |
| • Public Access, Public Utility and Landscape Easement | 2,037 SF |
| • Public Utility Easement | 877.6 SF |
| • Parking Spaces | 15 spaces |

Property Owner and Ownership History: Ownership of the property has been vested with the current owner for more than five years.

Property Interest Appraised: Easement Estate - Public Access, Public Utility and Landscape Easement; Temporary Construction Easement; and Public Utility Easement.

Comparable Market Data: The appraiser researched market activity in the neighborhood and found sufficient market data to develop an opinion of value. The comparables found were improved with buildings that had reached the end of their economic lives. In many cases, the structures have been demolished since the sale. In other cases, the buildings are being used for interim purposes, but were purchased with the intent to redevelop the site in the foreseeable future. As a result, the comparable sales were considered to be effectively vacant land. Following is a chart that summarizes the comparable land sales used to estimate the appraised value herein.

| Tax ID | Sale Date | Grantor | Grantee | Location | Size of Site | Sale Price |
|------------------|----------------|------------------------|-----------------------------|-------------------------------------|--------------|--------------|
| R18714 | May-2006 | Richardson | Szabuniewicz | 405 Second St | 9,847 SF | \$12.19 / SF |
| R18724, et al | Dec-2005 | Parulian | Radakor | 418 College Main @ Cherry Street | 36,983 SF | \$13.48 / SF |
| R18726 | Jan-2006 | Michie | Radakor | 417 Tauber St | 5,663 SF | \$13.50 / SF |
| R44846 | March- 2005 | Gnoide | Aymond (Catholic Church) | 505 Church Ave @ Stasney St. | 24,893 SF | \$12.45 / SF |
| R18523 | March- 2005 | Our Savior Lutheran | A&M UMC | 308 College Main @ Cross Street | 56,628 SF | \$13.42 / SF |
| R18526 | Aug-2003 | Vessali | Radakor | 405 Cross St @ College Main | 37,250 SF | \$15.98 / SF |

Market Value and Just Compensation: The "Part to be Acquired" is an easement interest in the property. When acquired, the Whole Property will not be reduced in size. However, for all intents and purposes, the City's proposed use of the "Public Access, Public Utility and Landscape Easement" will preclude any other use by the property owner. The "Temporary Construction Easement" will restrict the property owner's use and enjoyment of the land for approximately one year after construction of the project begins. The "Public Utility Easement" will restrict the owner from building structures upon the property, but will not restrict landscaping, parking lots and similar improvements. As a result, all of the easements were adjusted to reflect the loss of use.

The Public Utility Easement (PUE) was divided into two segments for the purpose of estimating its value. According to the College Station UDO, parking areas adjacent to public ROW must be set back six feet from the sidewalk, which, in this case, is the ROW line. Therefore, six feet of the PUE was adjusted to 100% of its value. The balance was adjusted to 75%, as the property owner will be unable to place building upon the PUE.

The remainder property will be damaged after the acquisition in that 15 parking spaces located adjacent to the street will be removed. As such, the property owner will need to relocate the spaces to recapture all of the

utility of the site. The value entered into the Market Value Tabulation reflects information obtained from construction estimates provided the appraiser.

Market Value and Just Compensation - Tabulation

| Property / Item of Value | Quantity | Price/Unit | Property Interest Adjustment | Total Value |
|---|-----------|------------|------------------------------|-----------------|
| Part to be Acquired | | | | |
| Temporary Construction Esmt | 214 SF | \$15 / SF | 10% | \$321 |
| Public Access, Public Utility and Landscape Easement | 113 SF | \$15 / SF | 100% | \$1,695 |
| Temporary Construction Esmt | 280 SF | \$15 / SF | 10% | \$390 |
| Public Access, Public Utility and Landscape Easement | 2,037 SF | \$15 / SF | 100% | \$30,555 |
| Public Utility Easement | 614.32 SF | \$15 / SF | 100% | \$9,215 |
| (8 from ROW / 2.58 from setback) | 263.28 SF | \$15 / SF | 75% | \$2,962 |
| Parking Spaces | 15 | \$2,856 | 100% | \$42,840 |
| Total Part to be Acquired and Cost to Cure Damages (Parking) | | | | \$87,978 |

Conclusions of Market Value and Just Compensation: In accordance with the Appraiser's Certification as well as the Assumptions and Limiting Conditions listed below, my opinion of the market value of the subject property follows:

Eighty Seven Thousand Nine Hundred Seventy Eight Dollars (\$87,978)


 20 March 2007
 Mark Edwin McAuliffe Date
 Land Agent, City of College Station, Texas
 State Certified General Real Estate Appraiser, TX-1326493-G / Exp 30 Nov 2008
 Real Estate Broker - Texas Real Estate Commission, 0376344 / Exp 31 Aug 2008

Purpose of the Appraisal: To develop an opinion of market value in terms of cash or financing terms equivalent to cash.

Market Value Definition: The most probable price for which a property should bring in a competitive and open market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source of Definition: Regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989.

Scope of Work: The appraiser inspected the subject property and completed sufficient market research and analysis to develop an opinion of the subject property's market value. This report was developed in accordance with the standards for a Summary Appraisal Report as described by the Appraisal Standards Board in the Uniform Standards of Professional Appraisal Practice. As this is a summary report, additional information is contained in my work file.

Appraisal Methods and Techniques Employed: The Sales Comparison Approach of the vacant land was developed herein. The appraiser recognizes the fact that the Whole Property is improved, but the acquisition of the Part to be Acquired will neither damage nor enhance the remainder property.

Exclusion of Sales Comparison Approach, Cost Approach or Income Approach: This report makes the assumption that the site is vacant land. As a result, the Sales Comparison Approach - As Improved, the Cost Approach and the Income Approach to value have not been developed.

Extraordinary Assumptions and Hypothetical Conditions

- This report has been prepared as though the Whole Property were vacant land.
- This assumption does affect the value of the Property, in that the improvement value is not included.

Appraiser's Certification

I certify, to the best of my knowledge and belief, that:

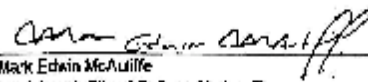
- the statements of fact contained in this report are true and correct;
- the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial and unbiased professional analyses, opinions, and conclusions;
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved except as described below;
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment, except as described below;
- I am employed by the client, the City of College Station, but I have no bias with respect to this assignment;
- my engagement in this assignment was not contingent upon developing or reporting predetermined results;
- my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of the appraisal;
- my analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice;
- I have made a personal inspection of the property that is the subject of this report;
- no one provided significant real property appraisal assistance to the person signing this certification.

Assumptions and Limiting Conditions

- All of the information reported was verified either through personal inspection or reliable outside sources.
- The information obtained from outside sources is assumed to be correct.
- The subject property is appraised as though title is marketable.
- The appraiser has no knowledge of hazardous materials located on the subject property.

Extraordinary Assumptions and Hypothetical Conditions

- This report has been prepared as though the Whole Property were vacant land.
- This assumption does affect the value of the Property, in that the improvement value is not included.


Mark Edwin McAlliff
Land Agent, City of College Station, Texas
State Certified General Real Estate Appraiser, TX-1326493-G / Exp 30 Nov 2006
Real Estate Broker - Texas Real Estate Commission, 0876314 / Exp 31 Aug 2008

To Munk, Tex 7
Date

EXHIBIT 2



CITY OF COLLEGE STATION

Offer to Purchase Real Estate

Monday, April 16, 2007

Mr. Max Mertz
Texas Annual Conference of the United Methodist Church Board of Trustees
P.O. Drawer K
College Station, Texas 77841

and

Mr. Chuck Ellison
Attorney at Law
302 Holloman Drive East
College Station, Texas 77840

RE: Church Avenue, Phase II

Dear Mr. Mertz and Mr. Ellison,

As you know, the City of College Station is proposing a capital improvement project known as Church Avenue, Phase II in order to improve pedestrian and vehicular transportation in Northgate as well as to accommodate the relocation of utilities. As part of the project, the City will need to acquire several easements along the street, including some located upon your property.

Based on the enclosed real estate appraisal report, you are hereby being offered **\$87,978 (Eighty Seven Thousand Nine Hundred Seventy Eight Dollars)** for the five tracts described by Exhibit "A", which is attached hereto. This amount is the market value and just compensation for the property to be acquired and includes all of the legally compensable damages to the remainder property.

the heart of the Research Valley

P.O. Box 9963
1101 TEXAS AVENUE
COLLEGE STATION - TEXAS - 77842
979.764.3519

08.29.03
10.27.08
9:45
FC

Mr. Max Mertz and Mr. Chuck Ellison
Monday, April 16, 2007

We would like to begin construction on this project as soon as possible and are requesting your favorable reply to this offer within the next ten days. Thank you in advance for your cooperation and prompt attention to this matter. Should you have any questions or need additional information, please contact me at 979/764-5031 or gbearrow@csbx.gov.

Sincerely,

Gene Bearrow, Assistant Land Agent

Note: Please sign and return the enclosed Acknowledgement of Appraisal

Attachments: Legal Description of the Land, Appraisal Report
Acknowledgement of Appraisal

EXHIBIT "A"

LEGAL DESCRIPTION OF THE LAND:

TRACT ONE:

All that certain tract or parcel of land being a Temporary Construction Easement lying and being situated in College Station, Brazos County, Texas. Said Easement being a portion of Lot Three (3), Block Five (5) TAUBER ADDITION, according to the plat recorded in Volume 133, page 182 of the Deed Records of Brazos County, Texas, and being more particularly described on Exhibit "A" attached hereto.

TRACT TWO:

All that certain tract or parcel of land being a Public Access, Public Utility and Landscape Easement lying and being situated in College Station, Brazos County, Texas. Said Easement being a portion of Lot Three (3), Block Five (5) TAUBER ADDITION, according to the plat recorded in Volume 133, page 182 of the Deed Records of Brazos County, Texas, and being more particularly described on Exhibit "B" attached hereto.

TRACT THREE:

All that certain tract or parcel of land being a Temporary Construction Easement lying and being situated in College Station, Brazos County, Texas. Said Easement being a portion of the lot designated as the "Church Lot", Block Five (5) TAUBER ADDITION, according to the plat recorded in Volume 133, page 182 of the Deed Records of Brazos County, Texas, and being more particularly described on Exhibit "C" attached hereto.

TRACT FOUR:

All that certain tract or parcel of land being a Public Access, Public Utility and Landscape Easement lying and being situated in College Station, Brazos County, Texas. Said Easement being a portion of the lot designated as the "Church Lot", Block Five (5) TAUBER ADDITION, according to the plat recorded in Volume 133, page 182 of the Deed Records of Brazos County, Texas, and being more particularly described on Exhibit "D" attached hereto.

TRACT FIVE:

All that certain tract or parcel of land being a Public Utility Easement lying and being situated in College Station, Brazos County, Texas. Said Easement being a portion of Lot Three (3), Block Five (5) TAUBER ADDITION, according to the plat recorded in Volume 133, page 182 of the Deed Records of Brazos County, Texas, and being more particularly described on Exhibit "E" attached hereto.

CONSTRUCTION EASEMENT

METES AND BOUNDS DESCRIPTION
OF A
TEMPORARY CONSTRUCTION EASEMENT
PORTION OF LOT 3, BLOCK 5
TAUBER ADDITION
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF A TEMPORARY CONSTRUCTION EASEMENT LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID EASEMENT BEING A PORTION OF LOT 3, BLOCK 5, TAUBER ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 133, PAGE 182 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE WEST CORNER OF SAID LOT 3 AT THE INTERSECTION OF THE SOUTHEAST LINE OF CHURCH STREET (50' R.O.W.) AND THE NORTHEAST LINE OF A 30.00 FOOT WIDE ALLEY;

THENCE: S 47° 51' 57" E ALONG THE NORTHEAST LINE OF SAID ALLEY FOR A DISTANCE OF 8.59 FEET TO THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED EASEMENT;

THENCE: N 41° 53' 49" E THROUGH SAID LOT 3 FOR A DISTANCE OF 105.87 FEET TO A POINT;

THENCE: N 87° 26' 03" E CONTINUING THROUGH SAID LOT 3 FOR A DISTANCE OF 2.80 FEET TO A POINT;

THENCE: S 41° 53' 49" W CONTINUING THROUGH SAID LOT 3 FOR A DISTANCE OF 107.84 FEET TO A POINT ON THE NORTHEAST LINE OF SAID ALLEY;

THENCE: N 47° 51' 57" W ALONG THE NORTHEAST LINE OF SAID ALLEY FOR A DISTANCE OF 2.00 FEET TO THE POINT OF BEGINNING CONTAINING 214 SQUARE FEET OF LAND AS SURVEYED ON THE GROUND JULY, 2005. SEE PLAT PREPARED MARCH 2006, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

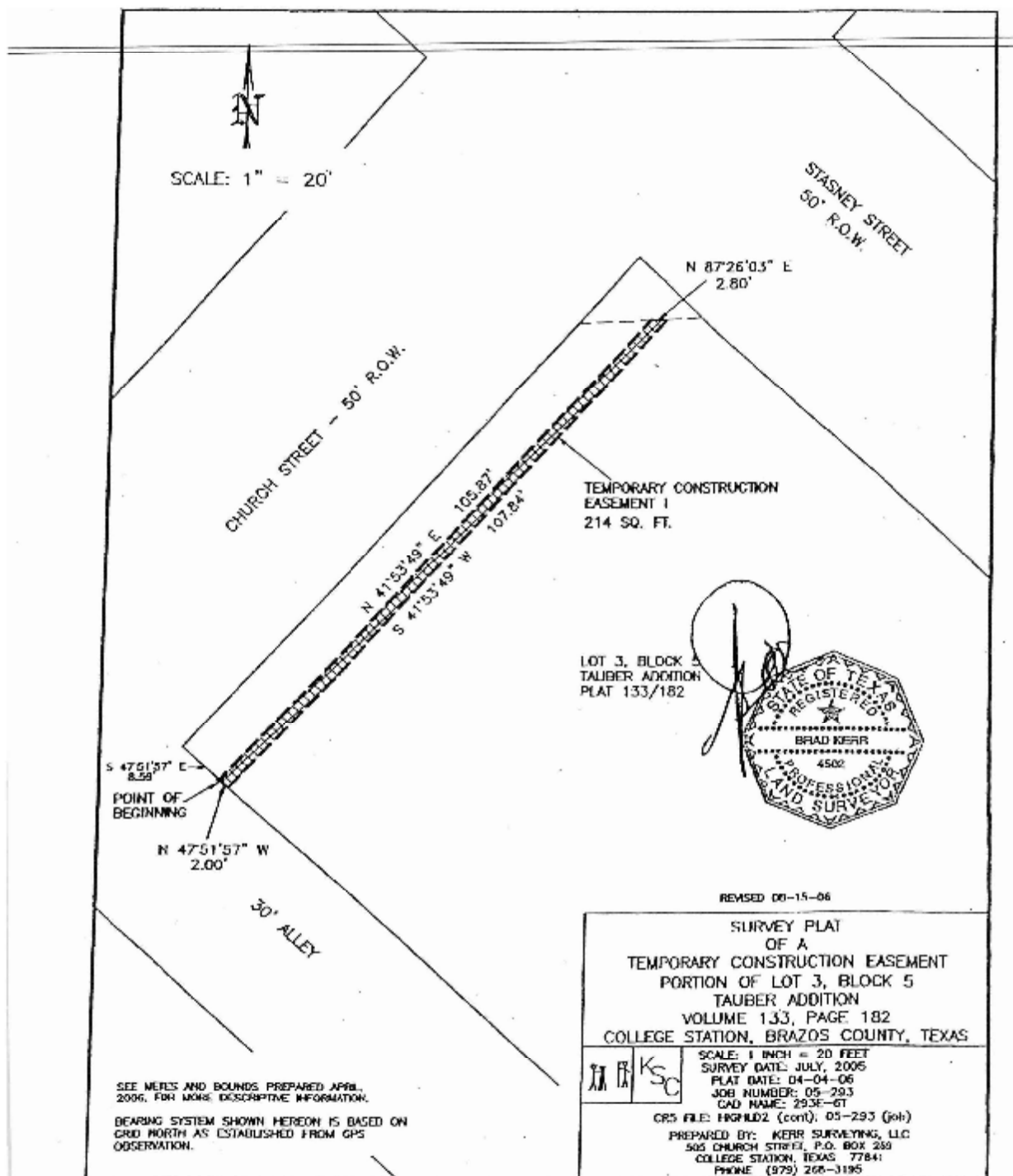
BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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REVISED 08-15-06

EXHIBIT "A"



METES AND BOUNDS DESCRIPTION
OF A
PUBLIC ACCESS, PUBLIC UTILITY & LANDSCAPE EASEMENT
PORTION OF LOT 3, BLOCK 5
TAUBER ADDITION
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF A PUBLIC ACCESS, PUBLIC UTILITY AND LANDSCAPE EASEMENT LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID EASEMENT BEING A PORTION OF LOT 3, BLOCK 5, TAUBER ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 133, PAGE 132 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTH CORNER OF SAID LOT 3 AT THE INTERSECTION OF THE SOUTHWEST LINE OF STASNEY STREET (50' R.O.W.) AND THE SOUTHEAST LINE OF CHURCH STREET (50' R.O.W.);

THENCE: S 47° 51' 57" E ALONG THE SOUTHWEST LINE OF STASNEY STREET FOR A DISTANCE OF 15.18 FEET TO A POINT;

THENCE: S 87° 20' 03" W THROUGH SAID LOT 3 FOR A DISTANCE OF 21.24 FEET TO A POINT ON THE SOUTHEAST LINE OF CHURCH STREET;

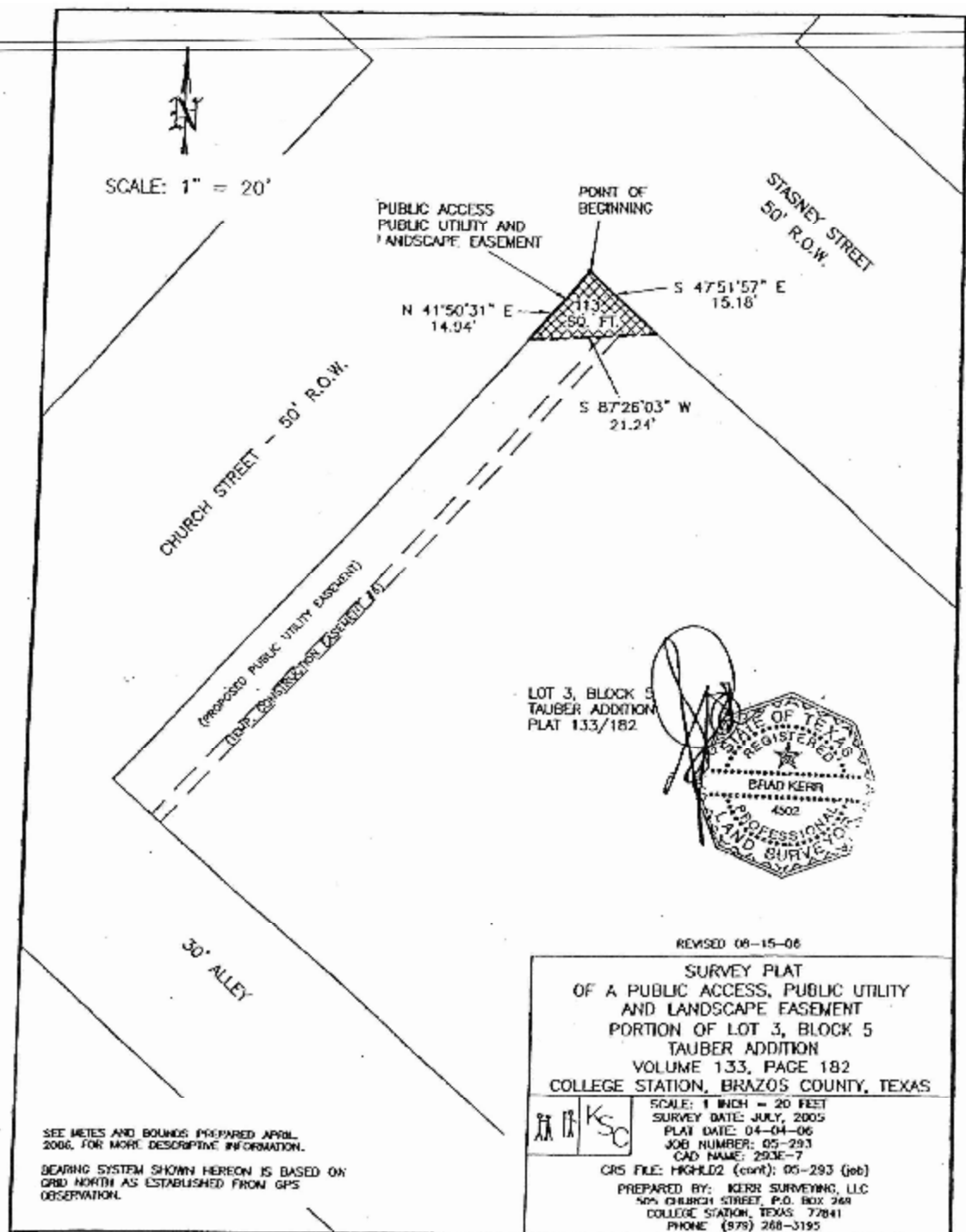
THENCE: N 41° 50' 31" E ALONG THE SOUTHEAST LINE OF CHURCH STREET FOR A DISTANCE OF 14.94 FEET TO THE POINT OF BEGINNING CONTAINING 113 SQUARE FEET OF LAND AS SURVEYED ON THE GROUND JULY, 2005. SEE PLAT PREPARED MARCH 2006 FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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REVISED 08-15-06



CONSTRUCTION EASEMENT

METES AND BOUNDS DESCRIPTION
OF A
TEMPORARY CONSTRUCTION EASEMENT
PORTION OF "CHURCH LOT", BLOCK 5
TAUBER ADDITION
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF A TEMPORARY CONSTRUCTION EASEMENT LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID EASEMENT BEING A PORTION OF THE LOT DESIGNATED AS THE "CHURCH LOT", BLOCK 5, TAUBER ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 133, PAGE 182 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTH CORNER OF SAID LOT AT THE INTERSECTION OF THE SOUTHEAST LINE OF CHURCH STREET (40' R.O.W.) AND THE SOUTHWEST LINE OF A 30.00 FOOT WIDE ALLEY;

THENCE: S 47° 51' 57" E ALONG THE SOUTHWEST LINE OF SAID ALLEY FOR A DISTANCE OF 19.82 FEET TO THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED EASEMENT;

THENCE: S 47° 51' 57" E CONTINUING ALONG THE SOUTHWEST LINE OF SAID ALLEY FOR A DISTANCE OF 3.19 FEET TO A POINT;

THENCE: S 41° 52' 41" W THROUGH SAID LOT FOR A DISTANCE OF 81.59 FEET TO A POINT;

THENCE: N 47° 10' 53" W CONTINUING THROUGH SAID LOT FOR A DISTANCE OF 3.19 FEET TO A POINT;

THENCE: N 41° 52' 41" E CONTINUING THROUGH SAID LOT FOR A DISTANCE OF 81.55 FEET TO THE POINT OF BEGINNING CONTAINING 260 SQUARE FEET OF LAND AS SURVEYED ON THE GROUND JULY, 2005. SEE PLAT PREPARED MARCH 2006, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

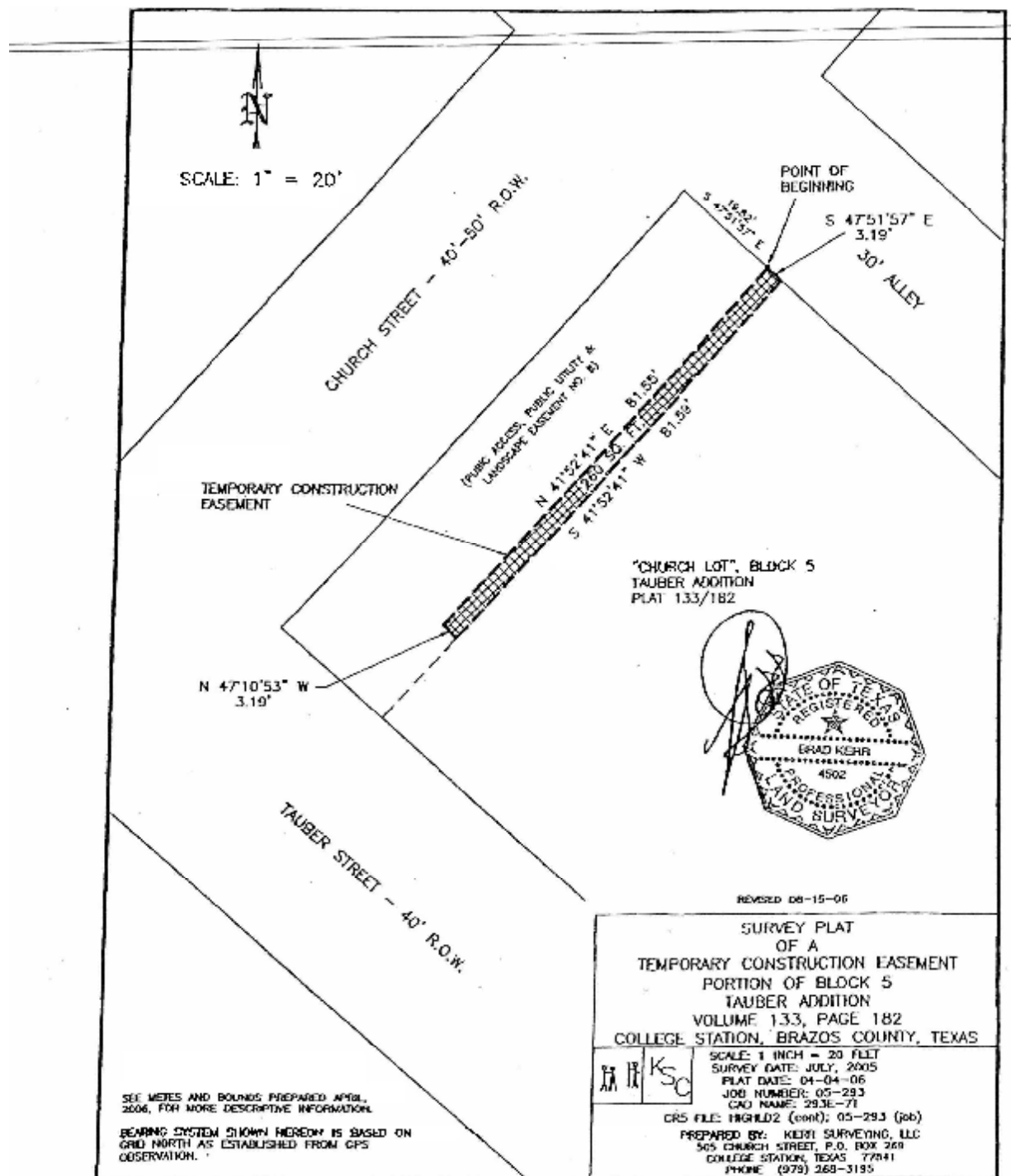
BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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REVISED 08-15-06

EXHIBIT "C"



EASEMENT

METES AND BOUNDS DESCRIPTION
OF A
PUBLIC ACCESS, PUBLIC UTILITY & LANDSCAPE EASEMENT
PORTION OF "CHURCH LOT", BLOCK 5
TAUBER ADDITION
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF A PUBLIC ACCESS AND PUBLIC UTILITY EASEMENT LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID EASEMENT BEING A PORTION OF THE LOT DESIGNATED AS THE "CHURCH LOT", BLOCK 5, TAUBER ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 133, PAGE 182 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE WEST CORNER OF SAID LOT AT THE INTERSECTION OF THE SOUTHEAST LINE OF CHURCH STREET (40' R.O.W.) AND THE NORTHEAST LINE OF TAUBER STREET (40' R.O.W.);

THENCE: N 41° 50' 31" E ALONG THE SOUTHEAST LINE OF CHURCH STREET FOR A DISTANCE OF 100.00 FEET TO THE NORTH CORNER OF SAID LOT AT THE INTERSECTION OF THE SOUTHEAST LINE OF CHURCH STREET WITH THE SOUTHWEST LINE OF A 30.00 FOOT WIDE ALLEY;

THENCE: S 47° 51' 57" E ALONG THE SOUTHWEST LINE OF SAID ALLEY FOR A DISTANCE OF 19.82 FEET TO A POINT;

THENCE: S 41° 52' 41" W THROUGH SAID LOT FOR A DISTANCE OF 81.55 FEET TO A POINT;

THENCE: S 47° 10' 23" E CONTINUING THROUGH SAID LOT FOR A DISTANCE OF 3.19 FEET TO A POINT;

THENCE: S 42° 12' 10" W CONTINUING THROUGH SAID LOT FOR A DISTANCE OF 18.43 FEET TO A POINT ON THE NORTHEAST LINE OF TAUBER STREET, SAME BEING THE SOUTHWEST LINE OF SAID LOT;

THENCE: N 47° 47' 50" W ALONG THE NORTHEAST LINE OF TAUBER STREET FOR A DISTANCE OF 22.85 FEET TO THE POINT OF BEGINNING CONTAINING 2097 SQUARE FEET OF LAND AS SURVEYED ON THE GROUND JULY, 2005. SEE PLAT PREPARED MARCH 2006, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

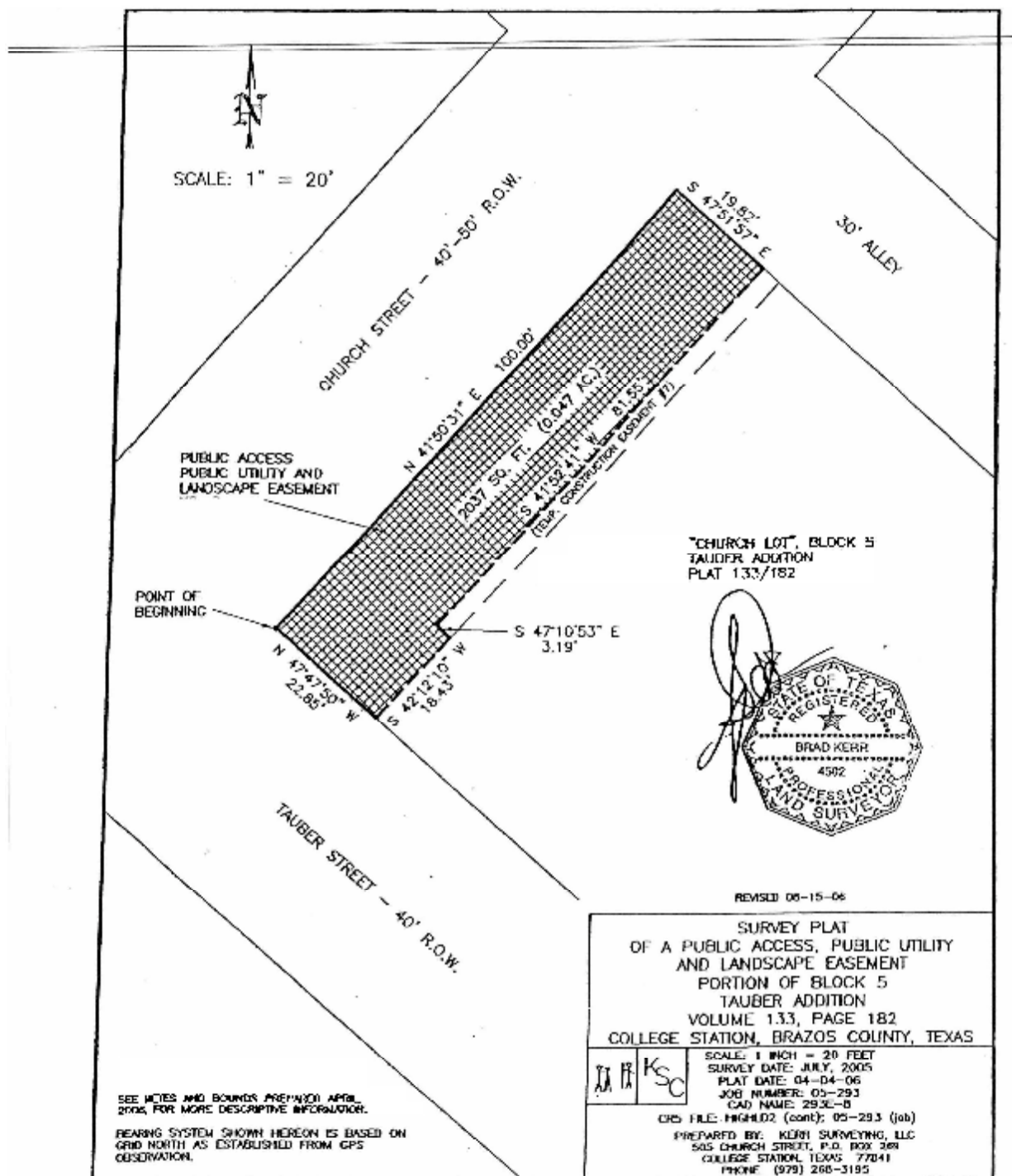
BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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REVISED 08-15-06

EXHIBIT "D"



PUBLIC UTILITY EASEMENT

METES AND BOUNDS DESCRIPTION
OF A
PUBLIC UTILITY EASEMENT
PORTION OF LOT 3, BLOCK 5
TAUBER ADDITION
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF A PUBLIC UTILITY EASEMENT LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID EASEMENT BEING A PORTION OF LOT 3, BLOCK 5, TAUBER ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 133, PAGE 182 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE WEST CORNER OF SAID LOT 3 AT THE INTERSECTION OF THE SOUTHEAST LINE OF CHURCH STREET (50' R.O.W.) AND THE NORTHEAST LINE OF A 30.00 FOOT WIDE ALLEY;

THENCE: N 41° 50' 31" E ALONG THE SOUTHEAST LINE OF CHURCH STREET FOR A DISTANCE OF 97.31 FEET TO A POINT;

THENCE: N 87° 26' 03" E THROUGH SAID LOT 3 FOR A DISTANCE OF 12.17 FEET TO A POINT;

THENCE: S 41° 53' 49" W CONTINUING THROUGH SAID LOT 3 FOR A DISTANCE OF 105.87 FEET TO A POINT ON THE NORTHEAST LINE OF SAID ALLEY;

THENCE: N 47° 51' 57" W ALONG THE NORTHEAST LINE OF SAID ALLEY FOR A DISTANCE OF 8.59 FEET TO THE POINT OF BEGINNING CONTAINING 877.6 SQUARE FEET OF LAND AS SURVEYED ON THE GROUND JULY, 2005. SEE PLAT PREPARED AUGUST 2006, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

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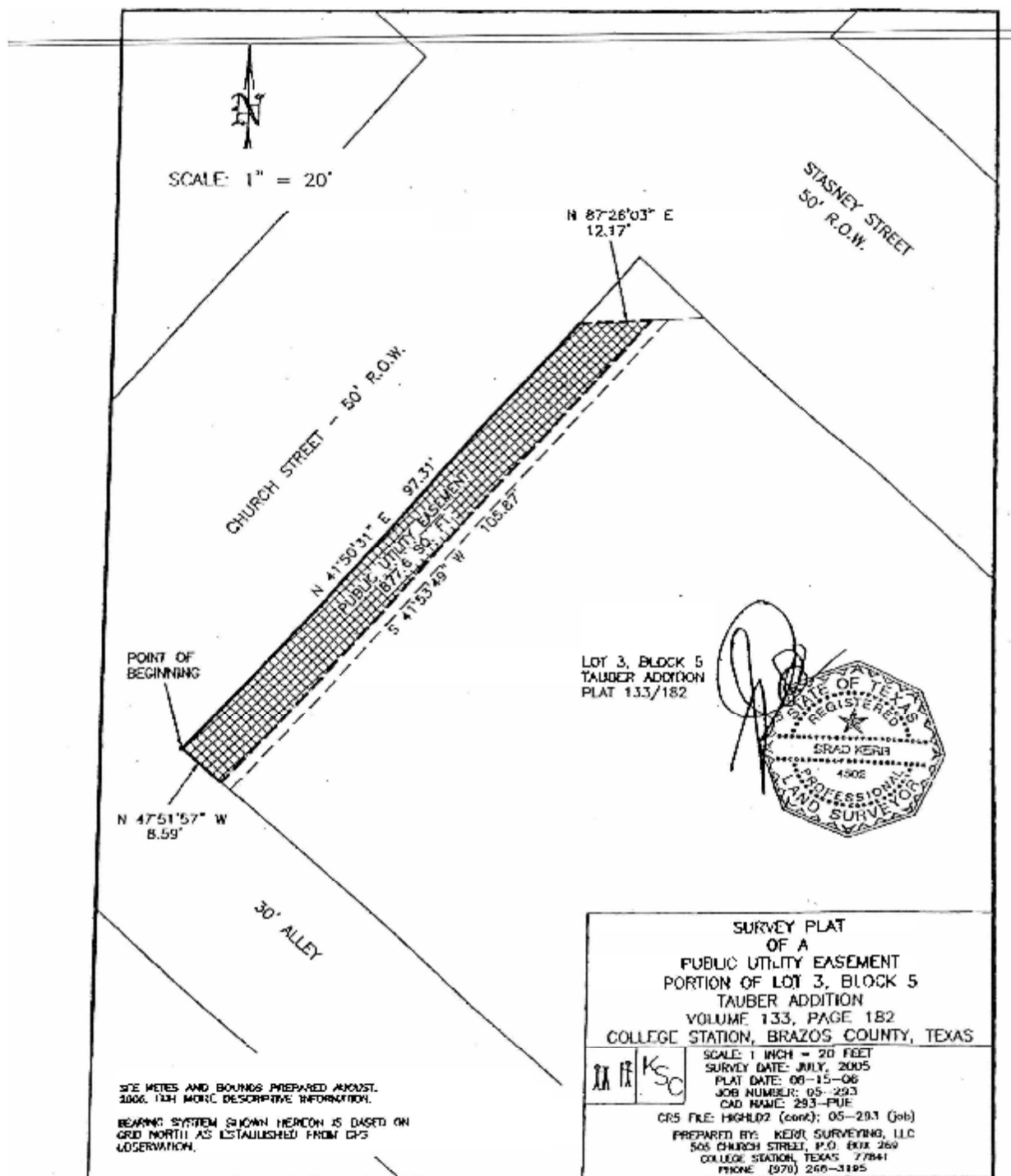
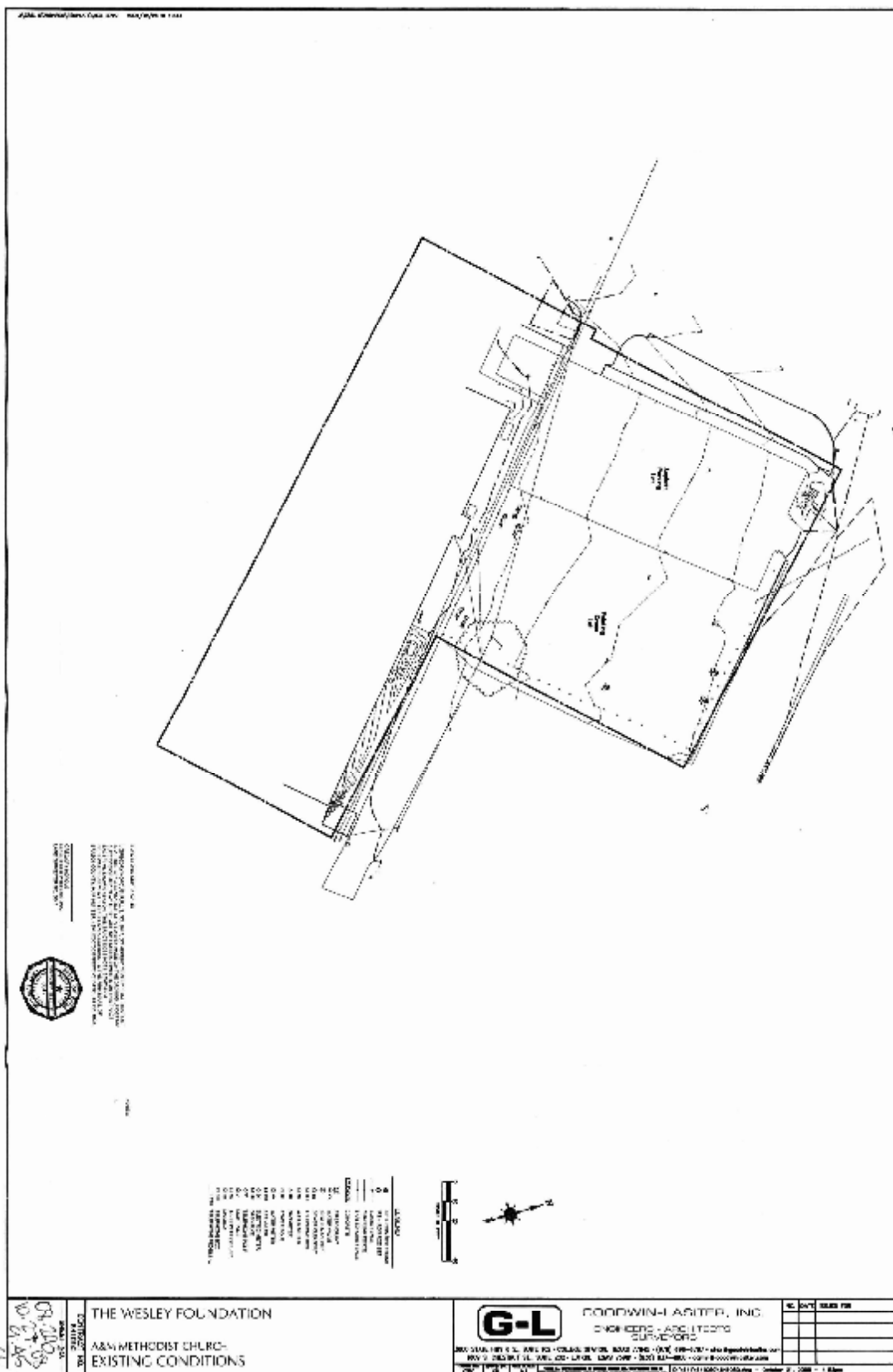
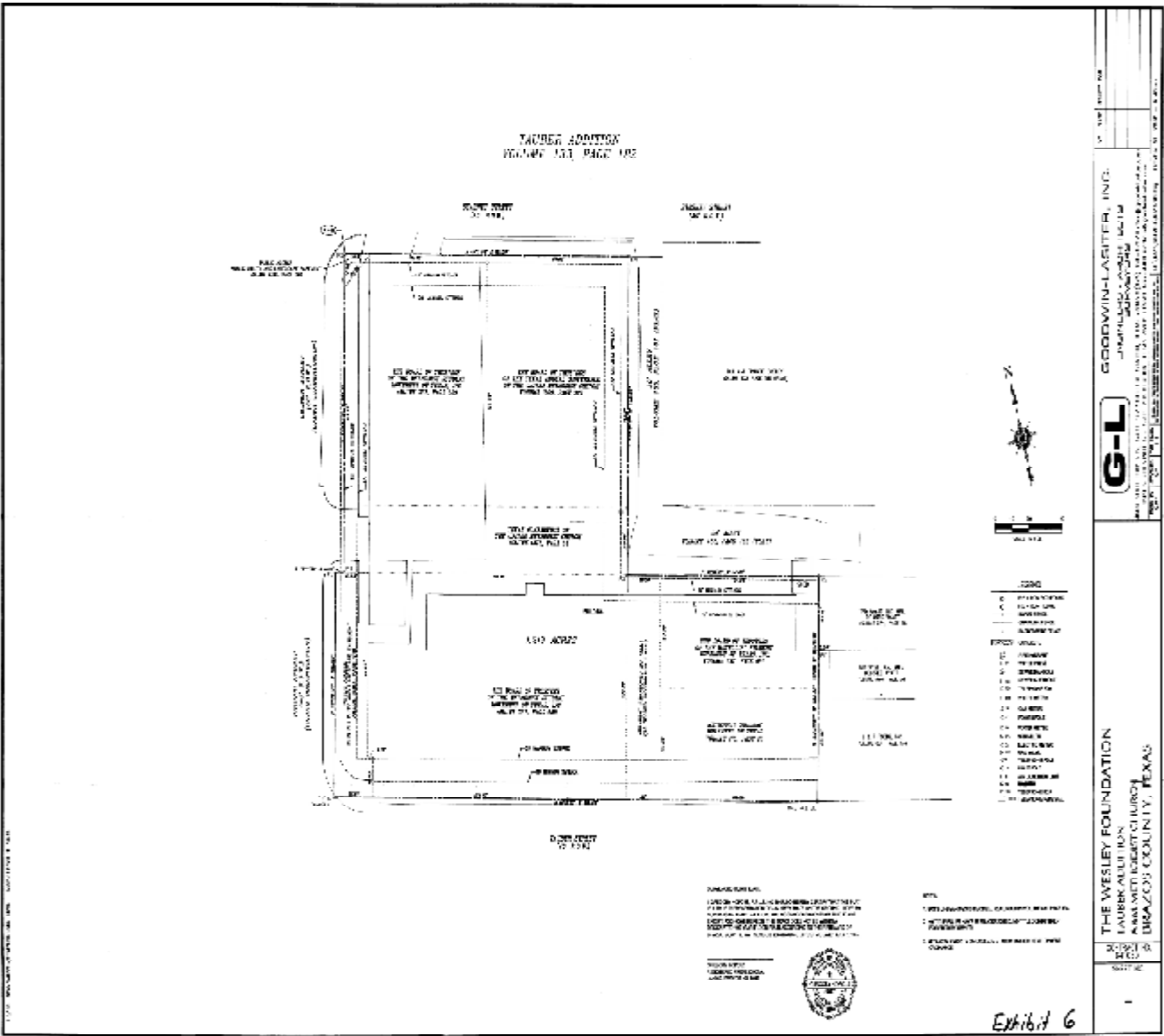




EXHIBIT 3







**VARIANCE REQUEST
FOR
400 FAIRVIEW AVENUE**

REQUEST: Rear Setback Variance

LOCATION: 400 Fairview Avenue

APPLICANT: Fred & Shirley Dupriest, Property Owners

PROJECT MANAGER: Matt Robinson, Staff Planner
mrobinson@cstx.gov

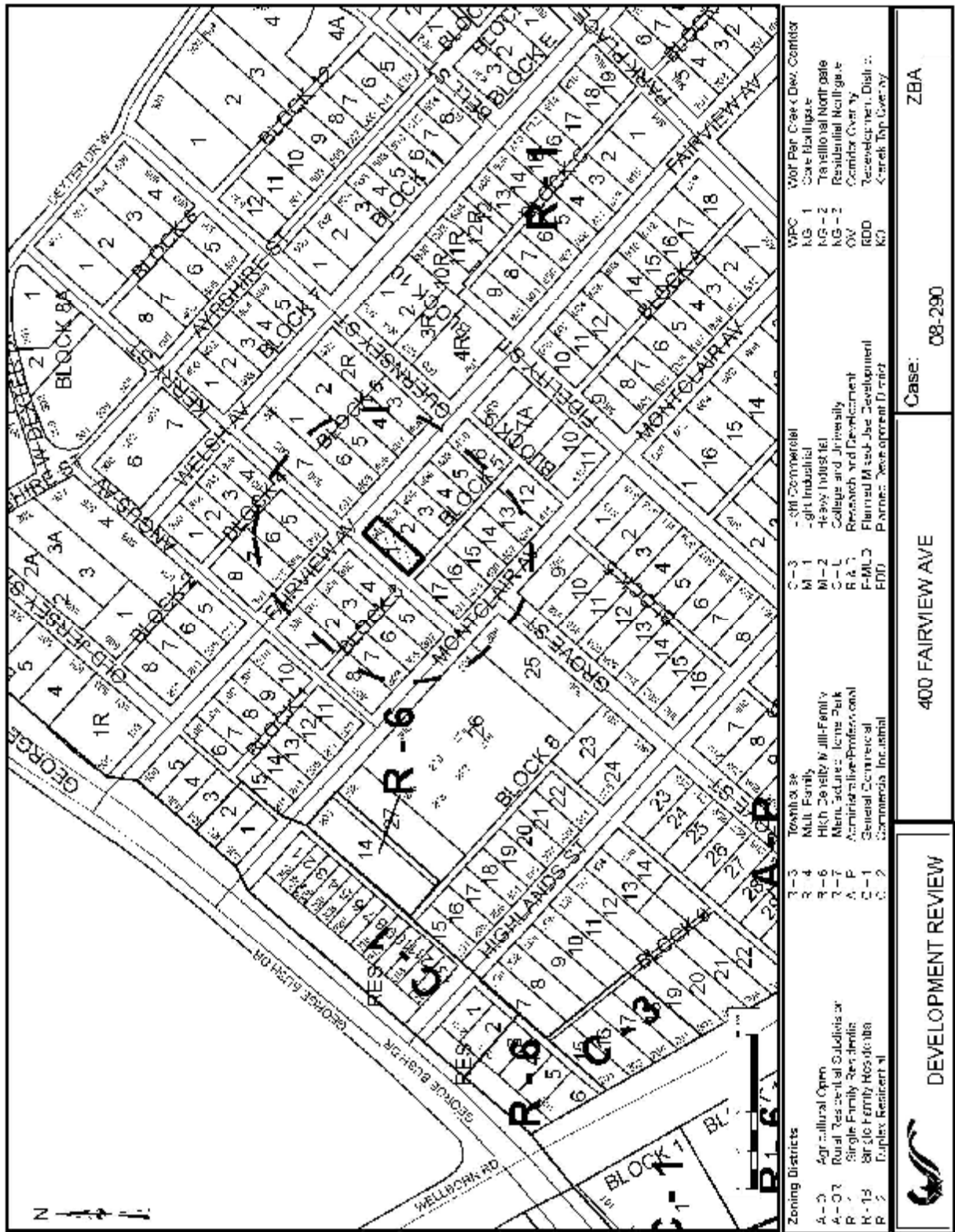
RECOMMENDATION: Staff recommends denial.

BACKGROUND: The subject property is currently developed as a single-family residence and is part of the College Park subdivision. This subdivision is zoned for single-family residences. The subject property was granted a side setback variance in 1983 that reduced the side setback to from 7.5 feet to 3 feet. Currently, the existing 1-story home that occupies the lot does not have a garage and the applicant would like to place a garage at the rear of the property approximately 7 feet off the rear property line. The proposed garage would take access to Kerry Street. **The applicant would like to reduce the rear setback by approximately 13 feet; thus they are requesting a rear setback variance of 13 feet to the required rear setback of 20 feet.**

APPLICABLE ORDINANCE SECTION: UDO Section 5.2, Residential Dimensional Standards

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of property values.





NOTIFICATIONS

Advertised Board Hearing Date: December 2, 2008

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: 27
Contacts in support: none at time of staff report
Contacts in opposition: none at time of staff report
Inquiry contacts: 2

ZONING AND LAND USES

| Direction | Zoning | Land Use |
|-------------------------|---|---|
| Subject Property | R-1, Single-Family Residential | Currently developed as a single-family residence |
| North | R-1, Single-Family Residential, Fairview Avenue | Single-family residences, Fairview Avenue a Major Collector |
| South | R-1, Single-Family Residential | Single-family residences |
| East | R-1, Single-Family Residential | Single-family residences |
| West | Thoroughfare, Kerry Street | Kerry Street, a local street |

PHYSICAL CHARACTERISTICS

1. **Frontage:** The property has frontage of approximately 120' on Kerry Street and 50' along Fairview Avenue.
2. **Access:** The property does not take access to either Kerry Street or Fairview Avenue. There is no driveway and all parking is along the street.
3. **Topography and vegetation:** The property is relatively flat with some vegetation.
4. **Floodplain:** The subject tract does not lie in a FEMA-identified floodway or floodplain.

REVIEW CRITERIA

1. **Special conditions:** The applicant has stated that due to the property being narrow and on a corner, building setback lines leave little room for a garage. The applicant goes on to state that it has large setbacks on three sides, compared to two on other lots. While staff agrees that corner lots typically have larger setbacks, this particular lot was granted a variance in 1983 to reduce the side setback from 7.5 feet to 3 feet. As such the effect of the 15 foot side street setback has been lessened and appears to give enough room for a garage to be built within the setback requirements.

2. **Hardships:** The applicant has stated that parking for the home owner is inaccessible during A&M football games. Staff agrees that parking for the home owner can potentially be difficult at times due to the lack of a private driveway and garage. However, staff has identified two potential alternatives to relieve the parking issue.

ALTERNATIVES

The applicant has not identified any alternatives. Staff however has identified two alternatives that would not require a variance. The applicant could locate the proposed garage closer to the rear of the residence as it appears that it would not encroach into any setback. Another alternative is that the applicant could build a driveway and parking pad, as a parking space is allowed within a setback.

STAFF RECOMMENDATION

Staff recommends denial of the variance request. Staff has identified alternatives that the property owner could pursue without necessitating a variance. As such staff feels that the hardship has been diminished.

SUPPORTING MATERIALS

1. Application
2. Letter
3. Survey
4. Site Pictures



CITY OF COLLEGE STATION
Planning & Development Services

FOR OFFICE USE ONLY

CASE NO.: 08-290

DATE SUBMITTED: 10/24/08

AC 12:00

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ \$150 Filing Fee BC 10/24/08
- ☒ Application completed in full.
- ☐ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: _____

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name Fred and Shirley Dupriest
 Street Address 2103 Seven Maples City Kingwood
 State TX Zip Code 77345 E-Mail Address dupriestst@gmail.com
 Phone Number 281-812-2885 Fax Number _____

PROPERTY OWNER'S INFORMATION:

Name Fred + Shirley Dupriest
 Street Address 2103 Seven Maples City Kingwood
 State TX Zip Code 77345 E-Mail Address dupriestst@gmail.com
 Phone Number 281-812-2885 Fax Number _____

LOCATION OF PROPERTY:

Address 400 Fairview Avenue
 Lot 1 Block 5 Subdivision College Park Addition
 Description if there is no Lot, Block and Subdivision _____

Action Requested: (Circle One)

Setback Variance

Parking Variance

Sign Variance

Other: _____

Appeal of Zoning Official's Interpretation

Special Exception

Drainage Variance

Current Zoning of Subject Property: E1

Applicable Ordinance Section: _____

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

Increase current concrete slab size to allow for
construction of single car garage at current site.
Slab is within rear setback line. Garage plan (see attached)

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

Because property is narrow and a corner lot, current
setback lines leave little room for a garage. (Large
setbacks on 3 sides vs 2 sides on other lots)

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

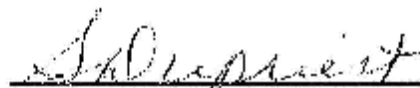
The home can rarely be accessed during A&M
football home games. Parking for home owner is
inaccessible.

The following alternatives to the requested variance are possible:

This variance will not be contrary to the public interest by virtue of the following facts:

Multiple homes in the immediate area have
similar garages built within building setback
lines. (See attached)

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.


Signature of owner (or agent) or applicant

10.23.08
Date

2103 Seven Maples Dr
Kingwood, Tx 75345

November 11, 2008

In regards to: Variance Request for 400 Fairview

Matt Robinson
1101 Texas Avenue, PO Box 9960
College Station, Texas 77842

Attention: Zoning Board of Adjustment

Dear Matt Robinson:

I am enclosing the site plan for 400 Fairview with the proposed garage indicated. We would like to place the side of the garage within 7 feet of the back of the property line. The front of the garage would be 3 feet from the property line on Lot 2 Block 5. The entrance to the garage would be from Kerry Street and would not encroach into that setback. The proposed garage will be 16 x 24 feet with an 8 foot ceiling.

We enjoy the outdoor living space on this small lot, and this proposed garage placement will allow full use of the yard. We appreciate your consideration.

Thank you,



Fred and Shirley Dupriet

11-13-08
08-290
11:00
AC



Site Pictures

View from Kerry Street to rear of property



